Docket No.: 01017/33718B
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Zsebo *et al.*

Application No.: 10/620,642

Filed: July 16, 2003

For: METHODS OF STIMULATING GROWTH OF
STROMAL CELLS IN A HUMAN

Confirmation No.: 9682

Art Unit: 1647

Examiner: Not Yet Assigned

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS DATED JANUARY 28, 2004

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is filed in response to a notice mailed January 28, 2004 in the above-referenced application. This response is timely filed on Monday, March 29, 2004 by virtue of the fact that March 28, 2004 was a Sunday. The aforementioned notice required that Applicants file a substitute specification, replacement drawings, and additional claims fees of $54.

A.   Substitute Specification

Applicants herewith furnish a substitute specification pursuant to 37 C.F.R. §1.125(b).

Applicants state that the substitute specification contains no new matter. The amendments made to the specification are presented only to make an amendment to page 164 in which the page number was not clearly marked and the word "SCF" was obscured by photocopying marks. Attached herewith are both a marked-up version of the substitute specification, excluding the claims and the drawings but showing all changes made to the

specification (the changes are tabbed for the Examiner's convenience), and a clean copy of the substitute specification.

The applicants believe that this submission complies with the requirements of 37 C.F.R. §1.125(b) and is fully responsive to the outstanding official action in the present case. The applicants therefore respectfully request that the substitute specification be entered in the application.

B.   Formal Drawings

Also furnished herewith is a complete set of formal drawings as requested in the notice.

C.   Excess Claims Fee

Attached is a check in the amount of $18 as payment of an excess claims fee for a large entity. The notice required payment of a fee of $54, however, Applicants believe there may have been some error in the calculation of said excess fee. By way of explanation, the applicants filed the above-referenced application with a preliminary amendment canceling the claims in the parent application and adding new claims. The new claims that were added were claims 71-90. Of these new claims, claim 71 was independent, claim 77 was multiply dependent from claims 72, 73, and 74, and the remaining 18 claims were dependent claims. Therefore, Applicants believe that the total number of claims pending are:

(1 (independent claim 71) + 3 (multiply dependent claim 77) +18) = 22

With the application papers, Applicants filed a fee in the amount of $1048, which included the basic filing fee of $750, a fee for providing a multiply dependent claim ($280) and a fee for one claim over 20 ($18). As Applicants have previously furnished a fee for 21 claims, including the surcharge for a multiply dependent claim, Applicants believe that the excess claims fee is only $18 for one additional claim and not $54 for 4 additional claims.

      Should the Examiner have any questions regarding this submission, the Examiner is invited to contact the undersigned representative.

Dated: March 29, 2004

Respectfully submitted,

By _____
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